

# YOUR RIGHT TO KNOW

## HERE'S HOW TO GET A PUBLIC RECORD

STEP  
1

### GET READY —

Identify the records you want and the governmental office that holds them. This may require a few phone calls.

STEP  
2

**CHECK ONLINE —** Check whether information you seek is already public. Many public records are easily accessible online. If you don't have a

computer, public libraries do and have staff to help you.

STEP  
3

### INFORMAL FIRST

— Start with an informal request: Simply ask for the information over the phone, in person or by e-mail. You do not have to identify yourself or say why you want the public record to get it. In Iowa, governmental agencies must provide you access to the record free of charge but can charge you a "reasonable fee" for making copies.

STEP  
4

**PUT IT IN WRITING —** If you run into problems with an informal request, try a written request to the proper custodian of those records. Many government

agencies require written requests. In your letter, ask that the entity tell you why, in writing, if it is going to deny your request for a record and cite the law that allows the denial. If you seek a federal record, ask the agency to whom you can appeal a denial. Iowa law does not have an appeal process.

TIP

**COPIES —** Send a copy of your request to the agency's attorney — for example, the county attorney or city attorney. Note in your letter you are "cc-ing" that official.

STEP  
5

**WAIT —** Iowa law says requests for public records should be handled as quickly as possible; offices are given 10 business days to 20 calendar days to

respond if there is a question about the record's confidentiality. Federal agencies are required to respond within 20 business days after receiving the request.

STEP  
6

**APPEAL DENIALS —** If you are seeking federal records and are denied, write an appeal and send it to the agency's appeals officer asking for a review of your

request and the agency's denial — or lack of response. Provide your contact information and why you think the agency is wrong. Note: Federal law states that an appeal must be made within 60 days from the denial. If you are denied state, county or city records, try contacting the Office of Citizens' Aide Ombudsman — 1-(888) 426-6283 — for assistance.

STEP  
7

**WAIT AGAIN —** A federal agency typically should take no more than 20 days to respond to your appeal.

STEP  
8

**SEE A LAWYER —** If you still haven't received what you requested and believe the information should be made public, contact an attorney.

STEP  
9

**SUE —** Take the matter to court, where the agency must prove that the requested information was withheld because of a state or federal exemption. If you win, the court may require the government to pay your court costs and attorney fees.



## WHAT YOU SHOULD KNOW

### Iowa's Open Records Law

- Iowa law does not require people to give government officials their names or reasons they want to obtain public documents.
- Requests for public records can be made in person, over the phone or by mail.
- Offices open for fewer than 30 hours a week must be open between 9 a.m. and noon and 1 to 4 p.m., but the law permits government officials and people requesting the records to agree on a different time.
- Typically, Iowa agencies provide access to records as soon as they can, but if there is a question as to whether the information requested is confidential, the law provides for a "good faith, reasonable delay by a lawful custodian" that should not exceed 10 business days and shall not exceed 20 calendar days.
- A reasonable fee may be charged for providing a copy of a record, but the fee cannot exceed the actual cost of providing the service, which includes paper costs and staff time for retrieving and copying.
- Anyone knowingly violating or attempting to violate any provision of Iowa's Open Records or Open Meetings laws can be charged with a simple misdemeanor.